

Superior Court of the District of Columbia

Filed
D.C. Superior Court
07/27/2021 15:50PM
Clerk of the Court

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET

District of Columbia

Case Number:

2021 CA 002582 B

vs

Power Fuel and Transport Real
Estate Holding Co., LLC

Date: **July 22, 2021**

☐ One of the defendants is being sued
in their official capacity.

Name: (Please Print) Monique Cobb	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____
Firm Name: Office of the Attorney General	
Telephone No.: 202 -727-3012 Six digit Unified Bar No.: 1531175	

TYPE OF CASE: ☐ Non-Jury ☐ 6 Person Jury ☒ 12 Person Jury
Demand: \$ _____ Other: _____

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____ Judge: _____ Calendar #: _____

Case No.: _____ Judge: _____ Calendar#: _____

NATURE OF SUIT: (Check One Box Only)

A. CONTRACTS

COLLECTION CASES

- | | | |
|---|---|---|
| <input type="checkbox"/> 01 Breach of Contract | <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 16 Under \$25,000 Consent Denied |
| <input type="checkbox"/> 02 Breach of Warranty | <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 18 OVER \$25,000 Consent Denied |
| <input type="checkbox"/> 06 Negotiable Instrument | <input type="checkbox"/> 27 Insurance/Subrogation | <input type="checkbox"/> 26 Insurance/Subrogation |
| <input type="checkbox"/> 07 Personal Property | Over \$25,000 Pltf. Grants Consent | Over \$25,000 Consent Denied |
| <input type="checkbox"/> 13 Employment Discrimination | <input type="checkbox"/> 07 Insurance/Subrogation | <input type="checkbox"/> 34 Insurance/Subrogation |
| <input type="checkbox"/> 15 Special Education Fees | Under \$25,000 Pltf. Grants Consent | Under \$25,000 Consent Denied |
| | <input type="checkbox"/> 28 Motion to Confirm Arbitration | |
| | Award (Collection Cases Only) | |

B. PROPERTY TORTS

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> 01 Automobile | <input type="checkbox"/> 03 Destruction of Private Property | <input type="checkbox"/> 05 Trespass |
| <input type="checkbox"/> 02 Conversion | <input type="checkbox"/> 04 Property Damage | |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a) | | |

C. PERSONAL TORTS

- | | | |
|---|--|--|
| <input type="checkbox"/> 01 Abuse of Process | <input type="checkbox"/> 10 Invasion of Privacy | <input type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection | <input type="checkbox"/> 11 Libel and Slander | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice) |
| <input type="checkbox"/> 03 Assault and Battery | <input type="checkbox"/> 12 Malicious Interference | <input type="checkbox"/> 19 Wrongful Eviction |
| <input type="checkbox"/> 04 Automobile- Personal Injury | <input type="checkbox"/> 13 Malicious Prosecution | <input type="checkbox"/> 20 Friendly Suit |
| <input type="checkbox"/> 05 Deceit (Misrepresentation) | <input type="checkbox"/> 14 Malpractice Legal | <input type="checkbox"/> 21 Asbestos |
| <input type="checkbox"/> 06 False Accusation | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) | <input type="checkbox"/> 22 Toxic/Mass Torts |
| <input type="checkbox"/> 07 False Arrest | <input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice) | <input type="checkbox"/> 23 Tobacco |
| <input type="checkbox"/> 08 Fraud | | <input type="checkbox"/> 24 Lead Paint |

SEE REVERSE SIDE AND CHECK HERE IF USED

Information Sheet, Continued

C. OTHERS

- | | |
|---|---|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 17 Merit Personnel Act (OEA) |
| <input type="checkbox"/> 02 Att. Before Judgment | (D.C. Code Title 1, Chapter 6) |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 18 Product Liability |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 10 Traffic Adjudication | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 31 Housing Code Regulations |
| <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 32 Qui Tam |
| <input checked="" type="checkbox"/> 16 Declaratory Judgment | <input type="checkbox"/> 33 Whistleblower |

II.

- | | | |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic | <input type="checkbox"/> 19 Enter Administrative Order as
Judgment [D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 08 Foreign Judgment/International | 2-1802.03 (h) or 32-151 9 (a)] | <input type="checkbox"/> 23 Rule 27(a)(1)
(Perpetuate Testimony) |
| <input type="checkbox"/> 13 Correction of Birth Certificate | <input type="checkbox"/> 20 Master Meter (D.C. Code § | <input type="checkbox"/> 24 Petition for Structured Settlement |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | 42-3301, et seq.) | <input type="checkbox"/> 25 Petition for Liquidation |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle) | | |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) | | |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other) | | |

D. REAL PROPERTY

- | | |
|--|--|
| <input type="checkbox"/> 09 Real Property-Real Estate | <input type="checkbox"/> 08 Quiet Title |
| <input type="checkbox"/> 12 Specific Performance | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted |
| <input type="checkbox"/> 04 Condemnation (Eminent Domain) | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) | |



Attorney's Signature

July 22, 2021

Date



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

District of Columbia

Plaintiff

vs.

Case Number **2021 CA 002582 B**

Power Fuel and Transport Real Estate Holding Co., LLC

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Monique Cobb

Name of Plaintiff's Attorney

400 6th Street NW, 10th Floor

Address

Washington, DC 20001

202-727-3012

Telephone

如需翻译,请打电话 (202) 879-4828

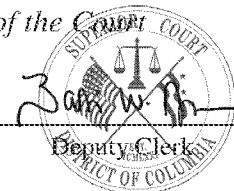
Veuillez appeler au (202) 879-4828 pour une traduction

Để có một bản dịch, hãy gọi (202) 879-4828

번역을 원하시면, (202) 879-4828로 전화주세요

የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይያውቁ

Clerk of the Court



By

Date

07/28/2021

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation

Vea al dorso la traducción al español



TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA

DIVISIÓN CIVIL

Sección de Acciones Civiles

500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001

Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

District of Columbia

Demandante

contra

Número de Caso: 2021 CA 002582 B

Power Fuel and Transport Real Estate Holding Co., LLC

Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le requiere presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que usted le entregue al demandante una copia de la Contestación o en el plazo de siete (7) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

Monique Cobb

SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

400 6th Street NW, 10th Floor

Por:

Dirección

Washington, DC 20001

202-727-3012

Fecha

07/28/2021

Teléfono

如需翻译, 请打电话 (202) 879-4828

Veillez appeler au (202) 879-4828 pour une traduction

Đề có một bản dịch, hãy gọi (202) 879-4828

반려를 원하시면 (202) 879-4828 로 전화하십시오

የአገልግ ጥርጣሬ ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO O, SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍA RETENÉRSELE SUS INGRESOS, O PODRÍA TOMÁRSELE SUS BIENES PERSONALES O BIENES RAÍCES Y SER VENDIDOS PARA PAGAR EL FALLO. SI USTED PRETENDE Oponerse a esta acción, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

Si desea conversar con un abogado y le parece que no puede pagarle a uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse sobre otros lugares donde puede pedir ayuda al respecto.

Vea al dorso el original en inglés
See reverse side for English original

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

DISTRICT OF COLUMBIA
400 Sixth Street NW
Washington, D.C. 20001

Plaintiff,

v.

POWER FUEL & TRANSPORT REAL
ESTATE HOLDING CO LLC
9921 Mayfield Drive
Bethesda, MD 20817-1651

Civ. No. 2021 CA 002582 B

Serve On :

Registered Agent:
KOO YUEN
817 6th Street NW
Washington, D.C. 20001

Defendant.

**COMPLAINT FOR VIOLATIONS OF THE DRUG-, FIREARM-, OR PROSTITUTION-
RELATED NUISANCE ABATEMENT ACT**

The District of Columbia (the “District”), by and through the Office of the Attorney General for the District of Columbia (“OAG”), files suit against Defendant Power Fuel & Transport Real Estate Holding Company LLC (“Power Fuel”) for violations of the Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Act (“Nuisance Act”), requiring Defendant to abate the persistent drug and firearm nuisance activity at the Exxon gas station located at 4665 South Capitol Street SW, Washington, DC 20032 (the “Property”) pursuant to D.C. Code §§ 42-3101, *et seq.* In support of this Complaint, the District states as follows:

PRELIMINARY STATEMENT

The District brings this civil enforcement case to compel Defendant to abate a drug- and firearm-related nuisance at the property located at 4665 South Capitol Street SW, Washington, DC 20032 (the “Property”) in the Washington Highlands neighborhood. Neighbors and children in this dense residential area fear walking the streets near or being a patron of this Exxon service station and convenience store because persistent shootings and drug sales plague the Property. This year alone, the Metropolitan Police Department (“MPD”) has made eleven arrests for drug distribution and responded to three shootings at the Property. Since the last shooting at the Property in May 2021, MPD detailed a police vehicle at the Property for 24 hours a day, diverting governmental resources from other areas of the Washington Highlands community. The Property is in a school zone, exposing children to drug distribution and gun violence when they walk past the Property. The District seeks declaratory and injunctive relief requiring Defendant to abate the drug- and firearm-related nuisance at its Property, as well as civil damages and attorneys’ fees.

I. JURISDICTION

1. The Court has subject matter jurisdiction pursuant to D.C. Code §§ 11-921 and 42-3102(a).
2. The Court has personal jurisdiction pursuant to D.C. Code §§ 13-422 and 13-423.

II. PARTIES

3. Plaintiff, the District of Columbia, a municipal corporation empowered to sue and be sued, is the local government for the territory constituting the permanent seat of the government of the United States. The District brings this case by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible

for upholding the public interest. D.C. Code § 1-301.81(a)(1). The Attorney General is also specifically authorized to enforce the Nuisance Act. D.C. Code § 42-3102(a).

4. Defendant Power Fuel & Transport Real Estate Holding Company LLC (“Power Fuel”) is a limited liability company organized under the laws of the District of Columbia that conducts business in Washington, D.C. Power Fuel maintains a principal place of business at 9921 Mayfield Drive, Bethesda, MD 20817, and has operated the Property since it acquired legal title to the Property on March 3, 2005.

III. FACTS

A. The Metropolitan Police Department Regularly Seizes Drugs and Firearms From the Property.

5. The Property, which contains an Exxon gas station and convenience store, is located in a population dense residential neighborhood near a popular deli, “Kitchen No. 1 Deli.”



Image of Property, Google Street View, captured November 2019.

6. Criminal activity at the Property has intensified in 2021, with MPD responding to the Property for three separate shooting incidents that have terrorized the Washington Highlands community. On February 10, 2021, MPD responded to gunshots at the Property, and witnesses reported that a masked assailant fired a weapon at someone inside the Property then fled. On March 3, 2021, MPD again responded to gunshots at the Property. Closed-circuit television camera (“CCTV”) footage revealed that a fight occurred at the Property and two individuals were shot.

On April 21, 2021, two more individuals were shot at the Property, and MPD recovered eight shell casings on site. On May 15, 2021, MPD responded to a shooting of a bystander at the Property. These shootings at the Property have endangered innocent patrons, area residents, and community members. Only after MPD detailed its resources to the Property 24 hours a day, which is unsustainable ongoing, did the crime at the Property abate.

7. Drug activity at the Property also intensified in 2021. On January 28, 2021, MPD seized 13 grams of marijuana from the Property. From March 18 through 22, 2021, MPD conducted an undercover operation at the Property, during which officers observed multiple drug sales. MPD arrested a total of seven individuals for Possession with Intent to Distribute Marijuana and recovered a total of 498.42 grams of marijuana and cash. Again, on March 31, 2021, MPD arrested two individuals for distribution of controlled substances, recovering 53 grams of marijuana. In April 2021, MPD made three separate arrests for the distribution of controlled substances at the Property: on April 21, 2021, an individual was arrested for being in possession of 38 grams of marijuana; on April 22, 2021, MPD arrested an individual for being in possession of 158 grams of marijuana; and on April 27, 2021, MPD arrested an individual for being in possession of 75 grams of marijuana.

8. This recent spate of incidents of gun violence and drug-related activity is not the first time this Property has posed a nuisance to the surrounding community. Specifically, between January 13, 2019 and December 15, 2020, MPD responded to two separate shooting incidents, and an armed robbery at the Property, and recovered drugs and firearms from the Property on at least nineteen occasions. For instance, on September 20, 2020, MPD responded to a shooting at the Property, where an unknown individual again fired a weapon into the convenience store of the Property then fled. Between June 13, 2020 and August 30, 2020 alone, MPD responded to a

shooting, a stabbing and seized controlled substances from the Property. On June 29, 2020 MPD responded to a patron who received gunshot wounds to his back and right arm while walking inside the Property.

B. Defendant Has Failed to Abate the Drug- and Firearm-Related Nuisance Activity on the Property Despite Receiving Notice.

9. On February 24, 2021, OAG sent Defendant a notice pursuant to D.C. Code § 42–3103(b) notifying Defendant of the nuisance activity on the Property and demanding that it enact security measures to abate the nuisance activity, such as increasing lighting, maintaining a security camera system, hiring security personnel, and issuing and enforcing barring notices. The letter also demanded that Defendant provide a specific security abatement plan and contact the District within fourteen (14) days to discuss the nuisance activity at the Property.

10. The District did not receive a security abatement plan from Power Fuel, nor hear from it, within fourteen (14) days of issuing the letter. Rather, more than a month later, Defendant responded with only cursory information, indicating that there were lights and cameras at the Property. Power Fuel did not address OAG’s request that Power Fuel increase lighting in certain areas, hire security personnel, and issue and enforce barring notices.

11. On March 31, 2021, the District again demanded that Power Fuel provide a fulsome written security plan to abate the pervasive nuisance activity at the Property. Power Fuel has not responded to the District’s second notice to date.

12. On June 25, 2021, the District again requested a written security plan from Power Fuel in light of the pervasive and continuing criminal activity that still exists at the Property. Power Fuel did respond to the District’s third notice to date.

13. Power Fuel’s lack of attention to security at the Property and its failure to engage meaningfully with OAG has resulted in continued nuisance activity at the Property. The

surrounding community remains at risk of harm from ongoing shootings and drug activity at the Property.

C. Drug- and Firearm-Related Violence on the Property Adversely Impacts Neighbors and Community Members.

14. The Property's neighbors in the Washington Highlands community have been adversely impacted by the drug- and firearm-related nuisance activity at the Property. Community members who are patrons of the business on the Property or walk near the Property are afraid of being shot or solicited to buy drugs.

15. The Property is in a Drug-Free Zone as it is 1000 feet from the Statesman Academy for Boys and Ingenuity Prep high schools. Children often have to walk by the Property, which exposes them to distribution of drugs and the gun violence stemming from the Property.

16. Additionally, residents and pedestrians who need access to the Property's two businesses risk exposure to its drug- and firearm-related activity. Patrons of the Exxon gas station and convenience store have been shooting victims, and individuals on the Property frequently solicit passers-by to purchase drugs.

17. Residents fear walking in their own neighborhood because of the shooting violence and drug activity at the Property. The Property is within easy walking distance of the Temple of Praise Church, Catholic Charities, the Washington Highland Recreation Center, and Oxon Run Park. Community members who frequent these and other resources and services fear being solicited to purchase drugs or being caught in the crossfire of gun violence.

18. Community members frequently report to MPD, Area Neighborhood Commissioners ("ANCs") and OAG the drug- and firearm-related violence and other disturbances at the Property.

COUNT I

Abatement of a Drug-Related Nuisance (D.C. Code §§ 42-3101 to 3114)

19. The District fully incorporates by reference Paragraphs 1 through 18.

20. There is frequent gun violence and sale of drugs at the Property. Furthermore, the Property has been used to store one or more firearms, and drugs. MPD officers have seized drugs and firearms from the Property on several occasions and made drug- and firearm-related arrests on the Property. The Property is therefore a drug- and firearm-related nuisance as defined by D.C. Code § 42-3101(5)(B).

21. Individuals use the Property to facilitate violations of the Controlled Substance Act (Chapter 9 of Title 48 of the D.C. Code), D.C. Code §§ 48-901.01–48-907.03. The drugs that MPD recovered from the Property are controlled substances under D.C. Code §§ 48-902.01–48-902.14. Violations of the Controlled Substances Act include, but are not limited to, “maintain[ing] any place to manufacture, distribute, or store for the purpose of manufacture or distribution a narcotic or abusive drug.” The Property is therefore a drug- related nuisance as defined in D.C. Code § 42-3101(5)(A).

22. Distributing or possessing a controlled substance within a Drug-Free Zone is a violation of the Controlled Substances Act. D.C. Code § 48–904.07a(b). The Property is within a Drug-Free Zone, as defined in D.C. Code § 48–904.07a(a). MPD has arrested individuals at the Property for possessing and distributing controlled substances within 1000 feet of Statesman Academy for Boys and Ingenuity Preparatory Public Charter School. The Property is therefore a drug- related nuisance as defined by D.C. Code § 42-3101(5)(A).

23. The drug- and firearm-related activity at the Property has an adverse impact on the community due to the violence and daily drug activity, as defined by D.C. Code §§ 42-3101, *et seq.*

24. Prior to filing this action, OAG provided Defendant with reasonable notice of the nuisance activity at the Property, as required by D.C. Code § 42-3103(b). Despite receiving several notices from OAG, Defendant has not addressed the nuisance activity at the Property.

IV. RELIEF REQUESTED

Wherefore, the District of Columbia respectfully requests declaratory and injunctive relief and statutorily authorized damages against the Defendants, as follows:

A. That the Court declare the Property located at 4665 South Capitol Street SW, Washington, DC 20032, owned and managed by Defendant, a drug- and firearm-related Nuisance Property pursuant to the Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Act, D.C. Code §§ 42-3101 to 3114;

B. That the Court enter a preliminary and permanent injunction appropriate for Defendant to abate the nuisance by preventing the continuance or recurrence of the drug- and firearm- related nuisance at the Property;

C. That the Court award the maximum statutory damages per day since Defendant was first notified of the nuisance to be paid by the Defendant into the Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Fund pursuant to D.C. Code § 42-3111.01(a);

D. That the Court award the District its attorneys' fees and costs of bringing this action; and

E. That the Court enter any other relief that the Court deems appropriate and necessary to abate the nuisance activity at the Property.

Date: July 22, 2021

Respectfully Submitted,

KARL A. RACINE
Attorney General for the District of Columbia

KATHLEEN KONOPKA
Deputy Attorney General
Public Advocacy Division

JIMMY ROCK
Assistant Deputy Attorney General
Public Advocacy Division

_____/s/
JENNIFER L. BERGER [Bar No. 490809]
Chief, Social Justice Section

_____/s/
MONIQUE COBB [Bar. No. 1531175]
OLIVIA JERJIAN [Bar No. 1034299]
Assistant Attorneys General
400 6th Street, NW, 10th Floor
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(202) 727-3012 (phone)
Email: Monique.Cobb@dc.gov

Attorneys for the District of Columbia



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
Telephone: (202) 879-1133 • Website: www.dccourts.gov

DISTRICT OF COLUMBIA

Vs.

C.A. No. 2021 CA 002582 B

POWER FUEL & TRANSPORT REAL ESTATE HOLDING CO LLC

INITIAL ORDER AND ADDENDUM

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure
("Super. Ct. Civ. R.") 40-1, it is hereby ORDERED as follows:

(1) This case is assigned to the judge and calendar designated below. All future filings in this case shall bear the calendar number and the judge's name beneath the case number in the caption.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of service on each defendant of copies of (a) the summons, (b) the complaint, and (c) this Initial Order and Addendum. The court will dismiss the claims against any defendant for whom such proof of service has not been filed by this deadline, unless the court extended the time for service under Rule 4(m).

(3) Within 21 days of service (unless otherwise provided in Rule 12), each defendant must respond to the complaint by filing an answer or other responsive pleading. The court may enter a default and a default judgment against any defendant who does not meet this deadline, unless the court extended the deadline under Rule 55(a).

(4) At the time stated below, all counsel and unrepresented parties shall participate in a remote hearing to establish a schedule and discuss the possibilities of settlement. Counsel shall discuss with their clients **before** the hearing whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this hearing.**

(5) If the date or time is inconvenient for any party or counsel, the Civil Actions Branch may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. To reschedule the hearing, a party or lawyer may call the Branch at (202) 879-1133. Any such request must be made at least seven business days before the scheduled date.

No other continuance of the conference will be granted except upon motion for good cause shown.

(6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each judge's Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court's website <http://www.dccourts.gov/>.

Chief Judge Anita M. Josey-Herring

Case Assigned to: Judge WILLIAM M JACKSON

Date: July 27, 2021

Initial Conference: **REMOTE HEARING - DO NOT COME TO COURTHOUSE**
SEE REMOTE HEARING INSTRUCTIONS ATTACHED TO INITIAL ORDER

9:30 am, Friday, November 05, 2021

Location: Courtroom 219

500 Indiana Avenue N.W.

WASHINGTON, DC 20001

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

D.C. Code § 16-2821, which part of the Medical Malpractice Proceedings Act of 2006, provides, "[a]fter action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ('ISSC'), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC."

To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at <https://www.dccourts.gov/pa/>. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. D.C. Code § 16-2825 Two separate Early Mediation Forms are available. Both forms may be obtained at www.dccourts.gov/medmalmediation. One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. Unrepresented plaintiffs who elect not to eFile must either mail the form to the Multi-Door Dispute Resolution Office at, Suite 2900, 410 E Street, N.W., Washington, DC 20001, or deliver it in person if the Office is open for in-person visits.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at www.dccourts.gov/medmalmediation/mediatorprofiles. All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following people are required by D.C. Code § 16-2824 to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code § 16-2826. Any Plaintiff who is unrepresented may mail the form to the Civil Actions Branch at [address] or deliver it in person if the Branch is open for in-person visits. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Anita M. Josey-Herring

Civil Remote Hearing Instructions for Participants

The following instructions are for participants who are scheduled to have cases heard before a Civil Judge in a **Remote Courtroom**

Option1: (AUDIO ONLY/Dial-in by Phone):

Toll 1 (844) 992-4762 or (202) 860-2110, enter the Meeting ID from the attachment followed by #, press again to enter session.

- *Please call in no sooner than 5 minutes before your scheduled hearing time. Once you have joined the session, please place your phone on mute until directed otherwise. If you should happen to get disconnected from the call, please call back in using the phone number and access number provided and the courtroom clerk will mute your call until the appropriate time.*

If you select **Option 2** or **Option 3** use the Audio Alternative

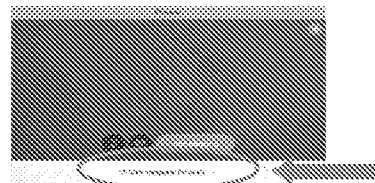
Option 2: (LAPTOP/ DESKTOP USERS 1):

Open Web Browser in Google Chrome and copy and paste following address from the next page:
<https://dccourts.webex.com/meet/XXXXXXXX>

Option 3: (LAPTOP/ DESKTOP USERS 2):

Open Web Browser in Google Chrome and copy and paste following address
<https://dccourts.webex.com> Select **Join**, enter the Meeting ID from the next page

AUDIO ALTERNATIVE: Instead of automatically using **USE COMPUTER FOR AUDIO**, select **CALL-IN** and follow the **CALL-IN** prompt window. Use a cell phone or desk phone. You will be heard clearer if you **do not** place your phone on **SPEAKER**. It is very important that you enter the **ACCESS ID #** so that your audio is matched with your video.



Option 4: (Ipad/SMART PHONE/TABLET):

- Go to App Store, Download WebEx App (Cisco WebEx Meetings)
- Sign into the App with your Name and Email Address
- Select Join Meeting
- Enter address from the next page: <https://dccourts.webex.com/meet/XXXXXXXX>
- Click join and make sure your microphone is muted and your video is unmuted (if you need to be seen). If you only need to speak and do not need to be seen, use the audio only option.
- When you are ready click "Join Meeting". If the host has not yet started the meeting, you will be placed in the lobby until the meeting begins.

For Technical Questions or issues Call: (202) 879-1928, Option #2

Superior Court of the District of Columbia
Public Access for Remote Court Hearings
(Effective August 24, 2020)

The current telephone numbers for all remote hearings are: 202-860-2110 (local) or 844-992-4726 (toll free). After dialing the number, enter the WebEx Meeting ID as shown below for the courtroom. Please click a WebEx Direct URL link below to join the hearing online.

Audio and video recording; taking pictures of remote hearings; and sharing the live or recorded remote hearing by rebroadcasting, live-streaming or otherwise are not allowed

Division	Courtroom	Types of Hearings Scheduled in Courtroom	Public Access via WebEx	
			WebEx Direct URL	WebEx Meeting ID
Auditor Master	206	Auditor Master Hearings	https://dccourts.webex.com/meet/ctbaudmaster	129 648 5606
Civil	100	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb100	129 846 4145
	205	Foreclosure Matters	https://dccourts.webex.com/meet/ctb205	129 814 7399
	212	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb212	129 440 9070
	214	Title 47 Tax Liens; and Foreclosure Hearings	https://dccourts.webex.com/meet/ctb214	129 942 2620
	219	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb219	129 315 2924
	221	Civil 1 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb221	129 493 5162
	318	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb318	129 801 7169
	320		https://dccourts.webex.com/meet/ctb320	129 226 9879

400	Judge in Chambers Matters including Temporary Restraining Orders, Preliminary Injunctions and Name Changes	https://dccourts.webex.com/meet/ctb400	129 339 7379
415	Civil 2 Scheduling Conferences; Status, Motion and Evidentiary Hearings including Bench Trials	https://dccourts.webex.com/meet/ctb415	129 314 3475
516		https://dccourts.webex.com/meet/ctb516	129 776 4396
517		https://dccourts.webex.com/meet/ctb517	129 911 6415
518		https://dccourts.webex.com/meet/ctb518	129 685 3445
519		https://dccourts.webex.com/meet/ctb519	129 705 0412
JM-4		https://dccourts.webex.com/meet/ctbjm4	129 797 7557
A-47	Housing Conditions Matters	https://dccourts.webex.com/meet/ctba47	129 906 2065
B-52	Debt Collection and Landlord and Tenant Trials	https://dccourts.webex.com/meet/ctbb52	129 793 4102
B-53	Landlord and Tenant Matters including Lease Violation Hearings and Post Judgment Motions	https://dccourts.webex.com/meet/ctbb53	129 913 3728
B-109	Landlord and Tenant Matters	https://dccourts.webex.com/meet/ctbb109	129 127 9276
B-119	Small Claims Hearings and Trials	https://dccourts.webex.com/meet/ctbb119	129 230 4882